



SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

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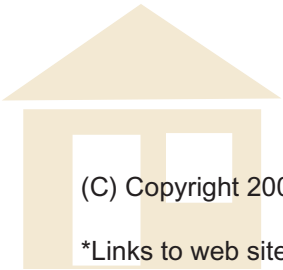
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SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

AFFORDABLE HOUSING: Proactive and reactive planning strategies /

White, S. Mark -- Chicago, IL: American Planning Association, 1992.

APA Planning Advisory Service Report; no. 441

Report includes bibliographical references.

Also available for purchase at the World Wide Web:

<http://www.planning.org/pasmemo/index.htm>

Drafted in response to highly publicized NIMBY Report of 1991, which called for extensive reforms in housing regulation almost amounting to land-use deregulation, the author questions whether such radical change is necessary. He notes that "the wholesale abandonment of regulatory restrictions would create no incentive for developers to produce low-income housing." He offers a review of existing affirmative and reactive measures, offering evidence of success where existing tools are applied properly. A final chapter deals with the issue of comprehensive planning for affordable housing.

CALIFORNIA LEGISLATURE PROHIBITS EXCLUSIONARY ZONING, MANDATES FAIR SHARE: Inclusionary housing programs a likely response

/ Burton, Carolyn -- [San Fernando, CA]: The San Fernando Valley Law Review, 1982.

San Fernando Valley Law Review - Vol. 9, (p. 19-46)

Over the past decade exclusionary zoning practices increasingly have come under judicial attack. -- (p. 19).

Available at California State Law Library

CASE AGAINST INCLUSIONARY ZONING / Rivinius, Robert -- Berkeley, CA:

California Continuing Education of the Bar, 1991. (Journal article)

(Inclusionary Zoning Pro and Con)

Land Use Forum - Vol. 1, no. 1, Fall 1991, (p. 25-26)

Available at California State Law Library

CASE FOR INCLUSIONARY ZONING / Brown, Marc; Harrington, Ann --

Berkeley, CA: California Continuing Education of the Bar, 1991. (Journal article)

(Inclusionary Zoning Pro and Con)

Land Use Forum - Vol. 1, no. 1, Fall 1991, (p. 23-24)

Available at California State Law Library

CREATING A LOCAL ADVISORY COMMISSION ON REGULATORY BARRIERS TO AFFORDABLE HOUSING / Hanes, Gary -- Washington, DC :

U.S. Dept. of Housing and Urban Development, 1992

"September 1992"

Available at California State Library -- Government Publications Section

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DENSITY BONUS ZONING TO PROVIDE LOW AND MODERATE COST HOUSING

/ Fox, Gregory Mellon; Davis, Barbara Rosenfeld -- San Francisco, CA: Hastings School of Law, 1977.

Hastings Constitutional Law Quarterly - Vol. 3, no. 4, (p. 1015-1071)

Article includes appendices and bibliographical references.

"A housing density bonus program has two main goals. The principal goal is to help meet the critical needs of low and moderate income people by expanding the supply of moderately priced housing in the community. The secondary purpose is to assure the dispersal of such housing throughout the developing areas of the community. -- (p. 1016).

DOES THE COSTA-HAWKINS ACT PROHIBIT LOCAL INCLUSIONARY ZONING PROGRAMS?

/ El Mallakh, Nadia I. -- Berkeley, CA: University of California, Berkeley, Boalt Hall, 2001.

California Law Review - Vol. 89, no. 6, December 2001 (p. 1847-1880)

Article includes bibliographical references.

Available for purchase full text at Westlaw.com:

<http://web2.westlaw.com/signon/default.wl?newdoor=true>

AN EGALITARIAN'S MARKET: The economics of inclusionary zoning

reclaimed / Dietderich, Andrew G -- [New York, NY]: Fordham University School of Law, 1996.

Fordham Urban Law Journal - Vol. 24, no. 1 (Fall 1996) p. 23-84

Article includes bibliographical references.

Available for purchase full text at Westlaw.com:

<http://web2.westlaw.com/signon/default.wl?newdoor=true>

"Inclusionary programs come in a variety of forms: some require construction at high density, some at low density; some set prices for the rental or sale of the inclusionary units, some let the market decide; some occur in areas with strong demand, some in markets with few interested buyers; some onerous to developers, some developers lobby for & happily accept." - (p. 31)

EXPANDING AFFORDABLE HOUSING THROUGH INCLUSIONARY ZONING:

Lessons from the Washington Metropolitan Area / Brown, Karen Destorel -- Washington, DC: Brookings Institution, 2001.

Also available full text at the World Wide Web:

<http://www.brook.edu/dybdocroot/es/urban/publications/inclusionary.pdf>

Many jurisdictions are looking for new ways to house not only low-income residents, but also working families who fill critical positions in the labor market. One of the ways in which jurisdictions are meeting this challenge is through

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inclusionary zoning, a program that principally requires developers to include affordable homes when they build a particular number of market-rate homes...

EXPANDING HOUSING OPTIONS THROUGH INCLUSIONARY ZONING / Fischer, Paul; Patton, Jo -- Chicago, IL: Campaign for Sensible Growth, 2001.
Ideas @ Work - June 2001 - Volume No. 3

Available full text at the World Wide Web:

<http://www.growingsensibly.org/cmapdfs/ideasv3.pdf>

"Many inclusionary housing programs offer incentives that reduce the developer's project costs. This can be accomplished with such methods as reduced or deferred developer fees, density bonuses, land purchase assistance, bond financing and reduced traffic / parking provisions" - (p. 1).

EXPANDING THE SCOPE OF COMMUNITY DEVELOPMENT / Nowak, Jeremy / National Low Income Housing Coalition -- Washington, DC: NLIHC, 1998.
Shelterforce - Jan./Feb. 1998, p. 4-

Also available full text at the World Wide Web:

<http://www.nhi.org/online/issues/97/nowak.html>

"The social geography of metropolitan regions requires the community development movement to expand its strategies and perspectives to both reduce the isolation of the urban poor and participate in the broader effort to support regional economic competitiveness. Strategies designed to maximize social mobility and integration – such as strategic investments in business sectors, fair housing enforcement and inclusionary housing strategies, regional revenue sharing, and subsidies for city residents to travel to jobs in the suburbs – have the potential to transform the meaning of neighborhood or community development in important ways." - (p. 4)

FINAL COMMENTS TO THE MILLENNIAL HOUSING COMMISSION -- Washington, DC: NMHC, 2001.

Available full text at the World Wide Web:

<http://www.nmhc.org/Content/ServeFile.cfm?FileID=1067>

An NMHC/NAA task force developed the recommendations contained in this thirteen-page letter submitted to the Commission. The recommendations cover a wide range of issues and call for the Congressionally-chartered Millennial Housing Commission...

IN DEFENSE OF INCLUSIONARY ZONING: Successfully creating affordable housing / Kautz, Barbara Ehrlich -- San Francisco, CA: University of San Francisco School of Law, 2002.
Univ. of San Francisco Law Review - Vol. 36, no. 4 (Summer 2002) p. 971-1017

SELECTED MATERIALS ON INCLUSIONARY HOUSING ISSUES

Article includes bibliographical references.

Available for purchase full text at Westlaw.com:

<http://web2.westlaw.com/signon/default.wl?newdoor=true>

"A California Court of Appeal has decisively upheld the constitutionality of inclusionary zoning -- a program that in the past twenty-five years has housed over 50,000 low- and moderate- income families in new homes that would otherwise have been unable to afford." - (p. 971)

INCENTIVE ZONING: meeting urban design and affordable housing

objectives / Morris, Marya -- Chicago, IL: American Planning Association, 2000. (APA Planning Advisory Service Report; no. 494)

Report includes bibliographical references and appendices.

Available for purchase at the World Wide Web:

<http://www.planning.org/store/overview.htm>

Incentive zoning has received renewed attention as communities implement smart growth principles into planning and development processes. Incentive zoning allows a developer to build a larger, higher-density project than would be permitted under existing zoning. In exchange, the developer provides something that is in the community's interest that would not otherwise be required (e.g., open space, plazas, arcades, etc.)

INCLUSIONARY HOUSING IN CALIFORNIA AND NEW JERSEY: a

comparative analysis / Calavita, Nico; Grimes, Kenneth; Mallach, Alan -- Washington, DC: Fannie Mae Foundation, 1997.

Housing Policy Debate - V. 8, no. 1 (p. 109-142)

Also available full text at the World Wide Web:

http://www.fanniemae.foundation.org/programs/hpd/pdf/hpd_0801_calavita.pdf

Many people have argued that inclusionary housing (IH) is a desirable land use strategy to address lower-income housing needs and to further the geographic dispersal of the lower-income population. In an attempt to evaluate the effectiveness of IH, this article examines the experiences of New Jersey and California, two states where IH has been applied frequently over an extended period.

INCLUSIONARY HOUSING ORDINANCE SURVIVES CONSTITUTIONAL CHALLENGE IN POST-NOLLAN-DOLAN ERA:

Homebuilders Association of Northern California v. City of Napa / Curtin, Daniel J.; Talbert, Cecily T.; Costa, Nadia L -- Chicago, IL: APA, 2002.

Article includes bibliographical references.

Land Use Law and Zoning Digest - Vol. 54, no. 8 (p. 3-8)

Available for purchase full text at Westlaw.com

<http://web2.westlaw.com/signon/default.wl?newdoor=true>

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The commentary discusses judicial treatment of inclusionary housing programs, Napa's inclusionary housing ordinance, and the future of inclusionary housing ordinances. The authors' state: "Inclusionary housing ordinances, such as Napa, are legislative acts entitled to deference in the courts. Therefore, the challenger bears the heavy burden to establish that the law is arbitrary or capricious. If a locality has properly adhered to all procedural requirements in enacting an inclusionary housing ordinance, it will likely pass constitutional muster." The authors conclude by offering guidelines to enhance the legal defensibility of such ordinances.

INCLUSIONARY HOUSING PROGRAMS / National Association of Home Builders (NAHB) -- Washington, DC: State, Local, & Environmental Affairs Division of NAHB, 1983.

Contents: Bibliography -- Appendix containing samples of inclusionary housing ordinances appears at the end of this paper -- 1982 Model Dwelling Unit Law (Maryland) -- Merit Point System (Colorado) -- 1978 Model California Inclusionary Ordinance.

May be purchased by contacting NAHB at the World Wide Web:

<http://www.nahb.org/landing.aspx?sectionID=4>

INCLUSIONARY HOUSING PROGRAMS: Issues and outcomes / Smith, Marc T.; Delaney, Charles J.; Liou, Thomas -- [Boston, MA] Warren, Gorham & Lamont, 1996.

Real Estate Law Journal – V. 25, no. 2 (Fall 1996) p. 155-165

Article includes bibliographical references.

Available for purchase full text at Westlaw.com:

<http://web2.westlaw.com/signon/default.wl?newdoor=true>

"An inclusionary housing program is a regulatory policy, often achieved through a zoning ordinance, employed by state or local governments to encourage or mandate the production of affordable housing units." - (p. 155)

INCLUSIONARY ZONING: A viable solution to the affordable housing crisis / Burchell, Robert, [et al.] Center for Housing Policy -- Washington, DC: National Housing Conference, 2000.

New Century Housing: V. 1, no. 2 (October 2000)

Also available full text at the World Wide Web:

<http://www.nhc.org/nhcimages/chpinczon.pdf>

Includes: Inclusionary Zoning: Pros & cons / Robert W. Burchell & Catherine C. Galley -- Bibliography.

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INCLUSIONARY ZONING: Is it helping or hurting housing? / Coyle, Timothy L. -- Berkeley, CA: California Continuing Education of the Bar, 1991.

(Inclusionary Zoning Pro and Con)

Land Use Forum, Vol. 1, no. 1, Fall 1991, (p. 27-28)

Timothy L. Coyle was Director of the California Department of Housing and Community Development upon publication of this article.

Available at California State Law Library

INCLUSIONARY ZONING/MIXED INCOME HOUSING: selected references /

Urban Land Institute -- Washington, DC: Urban Land Institute, [1999]

(ULI Information Service Infopacket Series; no. 307)

Available for purchase at the World Wide Web:

http://www.uli.org/dk/uli_BookStore_fst.html

Photocopied materials on specific real estate and urban development topics ... magazine articles, unpublished reports, sections from ULI books and reports, project descriptions, title/table of contents from relevant books, and Web-based resources.

JUDGES AS AGENTS OF SOCIAL CHANGE: can the courts break the affordable housing deadlock in metropolitan areas? / Haar, Charles M --

Washington, DC: Fannie Mae Foundation, 1997.

Housing Policy Debate -- V. 8, no.3 - p. 633-650

Article includes bibliographical references.

Also available full text on the World Wide Web:

http://www.fanniemaefoundation.org/programs/hpd/pdf/hpd_0803_haar.pdf

Nowhere is the chasm between the races more apparent than in the physical division of metropolitan areas between inner-city poverty and suburban affluence. Thus far, public policy efforts to introduce metropolitan perspectives into local land use regulations have been unsuccessful. The series of New Jersey Mount Laurel decisions lays out a possible path for introducing comprehensive regional planning by deploying the constitutional power of state courts. Relying on the allied professions of economics and city planning, the New Jersey Supreme Court eliminated the legal barriers to affordable housing in the suburbs.

LOCAL REGULATIONS AND HOUSING AFFORDABILITY / Downs, Anthony --

Washington, DC: Brookings Institution, 2002.

"Speech at the Massachusetts Institute of Technology in Cambridge, Massachusetts - October 7, 2002."

Also available full text at the World Wide Web:

<http://www.anthonydowns.com/mit.htm>

Simply urging local governments to change their behavior because doing so would benefit society as a whole will have no effect whatever. That is what all

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past housing investigatory commissions have done for over 40 years – including the Millennial Housing Commission – with no visible impact. - (p. [1])

MIXED-INCOME HOUSING DEVELOPMENTS: Promise and reality / Smith, Alastair / Joint Center for Housing Studies of Harvard University -- Cambridge, MA: JCHS, 2002.

(Harvard Joint Center on Housing Studies ; working paper no. W02-10)

Paper co-published by: Neighborhood Reinvestment Corporation.

Also available full text at the World Wide Web:

<http://www.jchs.harvard.edu/publications/publications.html>

"Despite recent policy changes and the excitement surrounding mixed-income developments, most housing programs are not well designed to facilitate the financing of mixed income developments. Some developers are finding ways to arrange the financing of mixed income developments under federal programs, but many report that they are limited to financing all low-income developments." - (p. 6)

REFLECTIONS ON INCLUSIONARY HOUSING AND A RENEWED LOOK AT ITS VIABILITY / Padilla, Laura M -- [Hempstead, NY]: Hofstra University School of Law, 1995.

Hofstra Law Review – V. 23, no. 3 (Spring 1995) p. 539-615

Article includes bibliographical references.

Available for purchase full text at Westlaw.com:

<http://web2.westlaw.com/signon/default.wl?newdoor=true>

"The issues raised by inclusionary housing require a fresh review in light of changes to the United States Supreme Court and current trends favoring private property rights. The inclusionary housing issue is also timely because California is considering adoption of a mandatory statewide inclusionary housing program, which, if adopted, would be the first statewide program in the country." - (p. 540)

REMEDIES FOR AFFORDABLE HOUSING FROM FAIR SHARE TO GROWTH SHARE / Payne, John M -- [Chicago, IL]: APA, 1997.

Land Use Law and Zoning Digest - V. 49 (June 1997) p. 3-9

Available for purchase at the World Wide Web:

<http://www.planning.org/abstracts/details.asp?Num=1076>

[Professor Payne] begins by asking why other states have not adopted the fair share approach, and answers--because the fair share approach has not worked. It has not produced the needed housing, he says, because it focused on "fair" rather than "share of what." In addition, he explains, the fair share approach has done positive harm under the two categories of bad planning and bad politics. After delineating these negative impacts, he proposes and elaborates on his

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concept of "growth share" which avoids the fair share's pitfalls and is realistically based on a community's capacity to accommodate housing.

SMART GROWTH FOR NEIGHBORHOODS: Affordable housing and regional vision / Kalinosky, Leah -- Washington, DC: National Neighborhood Coalition, [2001]

Includes bibliographical references (p. 22-23)

Also available full text at the World Wide Web:

<http://www.neighborhoodcoalition.org/pdfs/hsg%20report%20copy2.pdf>

"Smart growth for Neighborhoods: Affordable Housing and Regional Vision" examines how communities can promote both affordable housing and smarter regional growth. Recommendations from the report include addressing exclusionary development practices, encouraging regional planning for affordable housing and smart growth, increasing funding for affordable housing, and building new alliances.

STUDY OF INCLUSIONARY HOUSING INITIATIVES / Minnesota Housing Finance Agency (MHFA) -- [St. Paul, MN]: MHFA, 2002.

At head of title: Report to the Legislature.

Also available full text at the World Wide Web:

<http://www.mhfa.state.mn.us/about/InclusionReport.pdf>

This report is the result of the [MHFA Inclusionary Housing] Advisory Group process. It provides a definition of the concept, based on experience around the country. It provides information on the first and still the best known program, Montgomery County, Maryland. It provides information on programs that have recently been or are in the process of being developed in several cities around the nation. It summarizes the findings of the Advisory Group created to work with the Agency in the conduct of the study. Finally, it provides the recommendations that the Minnesota Housing Finance Agency was directed to present to the 2002 Legislature. - (p. 1)

SUBURBS UNDER SIEGE: Race, space, and audacious judges / Haar, Charles Monroe -- Princeton, NJ: Princeton University Press, 1996.

Monograph includes bibliographical references and index.

Also available for purchase at the World Wide Web:

<http://pup.princeton.edu/titles/5806.html>

"The courts' piecemeal decisions requiring the provision of affordable housing in the suburbs opened up avenues that, one hopes, will lead to more equitable and efficient metropolitan communities ... the Mount Laurel experience offers a signal lesson for reducing the economic and social chasm arising from the isolation of the poor in the central cities of this land of plenty." -- (p. xiv)

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A WHITE PAPER ON GROWTH MANAGEMENT AND INCLUSIONARY ZONING / Noble, Michael / Sonoma Alliance -- Rohnert Park, CA: Sonoma State University, California, 1990.

"White Paper" prepared September 1990.

Report available at California State University Sonoma Library.

ZONING FOR ALL: Using inclusionary zoning techniques to promote affordable housing / Morgan, Jennifer M -- [Atlanta, GA]: Emory University Law School, 1995.

Emory Law Journal – V. 44, no. 1 (Winter 1995) p. 359-387

Article includes bibliographical references.

Available for purchase full text at Westlaw.com:

<http://web2.westlaw.com/signon/default.wl>

"The relationship between an adequate supply of affordable housing and the public welfare has been recognized by various courts and governments. Several state courts have invalidated traditional zoning and land use regulations because of their exclusionary effects. State and local governments have implemented 'inclusionary' zoning techniques, zoning and land use regulations which encourage the development of affordable housing." - (p. 359)